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November 3, 2005

VIA HAND DELIVERY

Ron Jones, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

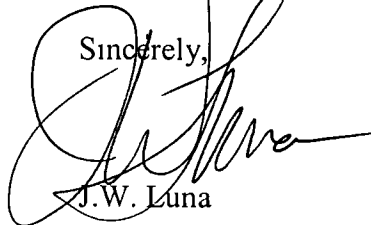
Re: Docket No. 05-00258 Petition of the Consumer Advocate to Open an Investigation to Determine Whether Atmos Energy Corp. Should be Required by the Tennessee Regulatory Authority to Appear and Show Cause That Atmos Energy Corp. is not Overearning in Violation of Tennessee Law and That it is Charging Rates That are Just and Reasonable

Dear Chairman Jones

Enclosed please find the original and thirteen (13) copies of Chattanooga Gas Company's Petition to Intervene for filing in the above-referenced dockets.

If you have any questions, please do not hesitate to contact me.

Sincerely,



J.W. Luna

Enclosure

Cc: Elizabeth Wade, Esq
Archie Hickerson
Steve Lindsey

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE: PETITION TO OPEN AN)
INVESTIGATION TO DETERMINE)
WHETHER ATMOS ENERGY CORP.)
SHOULD BE REQUIRED BY THE TRA)
TO APPEAR AND SHOW CAUSE THAT)
ATMOS ENERGY CORP. IS NOT)
OVEREARNING IN VIOLATION OF)
TENNESSEE LAW AND THAT IT IS)
CHARGING RATES THAT ARE JUST)
AND REASONABLE)

Docket No: 05-00258

PETITION TO INTERVENE

Comes Chattanooga Gas Company ("CGC"), by and through its counsel, pursuant to Tenn. Code Ann. § 65-2-107 and 4-5-310 and Tennessee Regulatory Authority ("TRA") Rule 1220-1-2-.08, and respectfully petitions to intervene in this docket as a party of record should the TRA grant the request of the Consumer Advocate and Protection Division of the Office of the Attorney General ("CAPD") for a show cause hearing. In support of its petition, CGC states as follows:

1. On September 16, 2005, the CAPD filed a Petition To Open An Investigation against Atmos Energy Corporation ("Atmos").
2. The petition alleged that Atmos is overearning in violation of Tennessee law and is charging rates for natural gas that are not just and reasonable.
3. In support of that petition, CAPD cites a decision announced on June 13, 2005 by the Tennessee Regulatory Authority ("TRA") in TRA Docket Number 04-00034, wherein the TRA found 7.43 percent to be a fair overall rate of return to CGC for its investments in

Tennessee and 10.2 percent to be a fair rate of return to CGC on equity. The written Final Order of the TRA's June 13, 2005 decision was just issued two days ago on November 1, 2005.

4. As CGC has sixty (60) days to appeal the Final Order in TRA Document Number 04-00034 to the Tennessee Court of Appeals, CGC is presently evaluating its options, including considering an appeal of the decision in Docket 04-00034. It is, therefore, premature to apply the findings of the TRA's June 13, 2005 decision, which CGC may contest and believes to be erroneous, to the above-captioned matter.

5. Because the CAPD seeks to invoke the ruling of the TRA regarding CGC as a basis for pursuing the above-captioned action against Atmos, CGC's legal rights may be affected by the outcome of this matter. Therefore, the TRA should allow CGC to intervene and participate in the above-captioned matter.

6. Additionally, a group of customers who purchase natural gas from Atmos ("Atmos Intervention Group") filed a letter dated November 2, 2005, in support of the CAPD's Petition and referencing the TRA's decision regarding CGC in Docket 04-00034 as reason for the TRA to act. CGC should be allowed to protect its legal rights which may be affected by the above-captioned case.

7. The above-captioned matter is being heard by Director Miller, Director Tate, and Chairman Jones. TRA Docket Number 04-00034, the matter regarding CGC, was heard by Director Miller, Director Tate, and Director Kyle. Because Chairman Jones does not have the benefit of the argument set forth by CGC in TRA Docket Number 04-00034, and because the parties of record in the above-captioned matter cannot adequately set forth to Chairman Jones the reasons as to why the TRA's decision was erroneous in the CGC matter, CGC should be allowed to intervene to protect its interests.

Respectfully submitted,

FARMER & LUNA, PLLC

By: 

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been forwarded via U.S. Mail, postage pre-paid, to the following parties of interest on this the 3rd day of November, 2005.

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